



PLANNING COMMISSION AGENDA

Wednesday, April 11, 2007

6:30 p.m. Regular Meeting

Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten	Bob Dhillon
Ash Kalra	
Matt Kamkar	Lisa Jensen

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, April 11, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

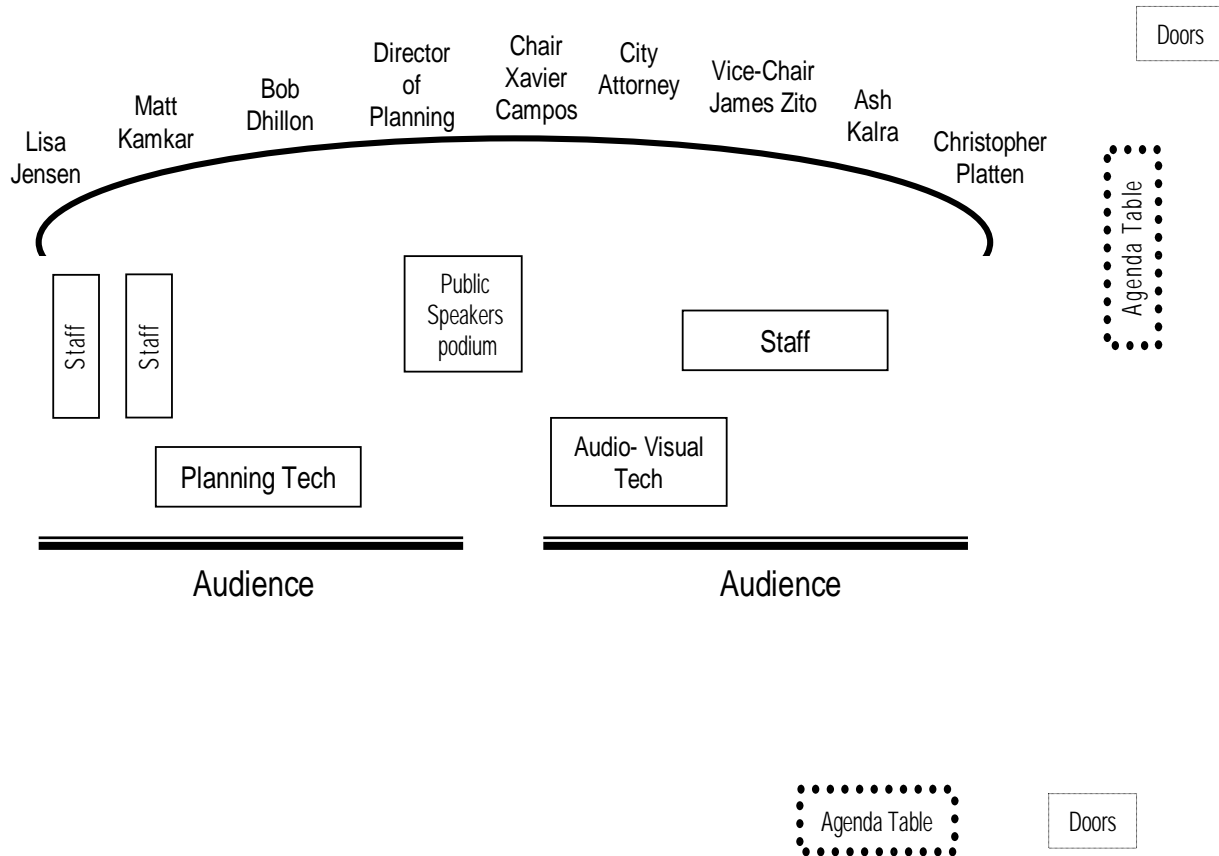
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP06-072**. Conditional Use Permit for a public eating, drinking, and entertainment establishment, sidewalk café, and late night use until 2:00 a.m. in the DC Downtown Commercial Zoning District, located on the west side of S. 2nd Street, approximately 70 feet north of East San Fernando Street (85 S. 2nd St.) (Cheung, Colin, Owner). Council District 3. SNI: None. CEQA: Use of Downtown Strategy Plan 2000 Final EIR. Deferred from 3-14-07.

DEFER TO 5-30-07.

- b. **PDC06-100**. Planned Development Rezoning from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site, located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 MORSE ST) (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark De Mattei, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

DEFER TO 4-25-07.

- c. **CP07-020**. Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance Standards in the LI Light Industrial Zoning District, located at/on West side of Little Orchard Street, approximately 150 feet northerly of San Jose Avenue (1601 LITTLE ORCHARD ST)(Dsw Family Part, Owner; Stucco Supply Co Robert Amos, Developer). Council District 7. SNI: Washington. CEQA: Mitigated Negative Declaration.

DEFER TO 4-25-07.

- d. [PDC06-119](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow construction of approximately 54,200 square feet in three, one- and two-story buildings for office and retail commercial uses as well as various industrial uses on a 3.62 gross acre site, located at/on the east side of Senter Road, approximately 550 feet northerly of Quinn Avenue (2222 SENTER RD) (ELS Properties Corp, Owner; Green Valley Corporation/Barry Swensen Builder, Aaron Barger, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.

DEFER TO 4-25-07.

3. **CONSENT CALENDAR**

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [PDC06-084](#). Planned Development Rezoning from R-M Residential Zoning District to A(PD) Planned Development Zoning District to allow 9 single-family attached residences on a 0.34 gross acre site, located at/on the the northeast corner of Willow Glen Way and Cross Way (425 Willow Glen Way) (William Henderson, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA.
Recommend to the City Council approval of a Planned Development Rezoning from R-M Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 9 single-family attached residences on a 0.34 gross acre site as recommended by Staff.

- b. [CP06-064](#). Conditional Use Permit to allow leasing of passenger and commercial vehicles and trailer sales on a 0.22 gross acre site in the LI Light Industrial Zoning District, located at/on north side of W. San Carlos Street approximately 200 feet east of Bird Avenue (597 W San Carlos St.) (Warehousing, Processing & Allied Workers Union Local 6, ILWU, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt. Deferred from 3-14-07 and 3-28-07.

Staff Recommendation:

Approve a Conditional Use Permit to allow leasing of passenger and commercial vehicles and trailer sales as recommended by Staff.

- c. [Street vacation](#) of a portion of a sidewalk easement on the north side of Woz Way between Almaden Boulevard and Almaden Avenue. Council District 3. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council to approve the vacation to the satisfaction of the Director of Public Works as recommended by Staff.

- d. [CPA02-048-01](#). Conditional Use Permit Amendment to allow relocation of a building, previously approved by CP02-048, and to renovate football field with lights and new swimming pool and associated improvements to an existing private college preparatory school on a 15.3 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 500 Saratoga Avenue (on northeast corner of Highway 280 and Saratoga Avenue) (Harker Academy Foundation, Owner). Council District 1. SNI: None. CEQA: Addendum to Negative Declaration

Staff Recommendation:

Conditional Use Permit Amendment to allow relocation of a building, previously approved by the permit # CP02-048, and to renovate football field with lights and new swimming pool and associated improvements to an existing private college preparatory school on a 15.3 gross acre site

The following items are considered individually.

4. PUBLIC HEARINGS

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. Review and Recommendation of the [Strong Neighborhoods Initiative Winchester Neighborhood Improvement Plan Amendment](#) to the City Council. Council Districts 1 & 6. SNI: Winchester. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045.

Staff Recommendation:

Staff recommends that the Planning Commission forward to the City Council a recommendation to: (1) Approve the Strong Neighborhoods Initiative (SNI) *Winchester Neighborhood Improvement Plan Amendment* as the renewed community/City vision for the future of the Winchester SNI Planning Area; (2) consider the SNI Program Environmental Impact Report and find it in conformance with CEQA; (3) authorize the Administration to direct City Departments and Agencies with implementation responsibilities to begin their respective activities, including the general oversight of the implementation of the *Plan Amendment* by the Redevelopment Agency and City Manager's Office; and (4) encourage the Winchester area residents, property owners, and community members to dedicate their time, energy, and resources to implement the recommendations of the *Plan* and this Amendment while continuing with their community-building activities.

- b. The projects being considered are located at the northeasterly corner of Cottle and Poughkeepsie Roads (IBM, Owner). Council District 2. SNI: None. CEQA: Environmental Impact Report resolution to be adopted.

1. **CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR)** for the Rezoning project referenced under item 2 below (PDC06-003). Deferred from 3-28-07.

Staff Recommendation:

Planning staff recommends that the Planning Commission find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis. The Planning Commission further directs staff to forward and present the certified Final EIR to the City Council for review and consideration.

2. **PDC06-003**. Planned Development Rezoning from the IP (PD) Planned Development Zoning District to the A (PD) Planned Development Zoning District to allow the demolition of the existing industrial park buildings (Buildings 025, and 024 and 030) and associated site improvements, the removal of up to 385 trees from the site, and the construction of a new, approximately 204,000 square foot commercial facility (including a retail/ commercial use, with a single occupant greater than 100,000 square feet (with a garden center), and other retail/ commercial uses.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council denial of a Planned Development Rezoning from the IP (PD) Planned Development Zoning District to the A (PD) Planned Development Zoning District

- c. **PDC06-070**. Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site, located on the east side of Almaden Expressway, approximately 200 feet north of Fleetwood Drive (16310 ALMADEN RD) (Rds Investments Chris Soukoulis, Owner/Developer). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration.

Staff Recommendation:

Consider the Draft Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site as recommended by Staff.

- d. **TR06-205**. APPEAL of the Planning Director's decision to approve a Tree Removal Permit to legalize the removal of one Redwood Tree (70 inches in circumference) and to allow removal of two Redwood trees (59 inches and 120 inches in circumference), on a 2.48 gross acre site, in the R-2 Two-Family and R-M Multi-Family Residence Zoning Districts, located on the southerly side of Villa Avenue approximately 700 feet easterly of The Alameda (Property Address: 1624 The Alameda/ Site Address: 960 Villa Avenue) (CALVELLI HELEN L TRUSTEE & ET AL, Owner). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Uphold the Director's Decision to Approve a Tree Removal Permit as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics

8. ADJOURNMENT



PLANNING COMMISSION AGENDA

Wednesday, April 11, 2007
6:30 p.m. Regular Meeting

ADDENDUM

ADD: 5:00 p.m. STUDY SESSION
Early Public Outreach for General Plan Update
Room # T-332

2. DEFERRALS

- e. [CP07-020](#). Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance standards in the LI Light Industrial Zoning District, located at/on West side of Little Orchard Street, approximately 150 feet northerly of San Jose Avenue (1601 LITTLE ORCHARD ST)(Dsw Family Part, Owner; Stucco Supply Co Robert Amos, Developer). Council District 7. SNI: Washington. CEQA: Mitigated Negative Declaration.

DEFER TO 04-25-07.

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session Coyote Valley Specific Plan EIR</i>	T-332
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission Riparian Corridor issues</i>	T-332
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers